



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: (703) 308-9797
Facsimile: (703) 305-0942

MAILED

JUL 12 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: REY
Application No.: 09/380,835
Filed: 01/31/00
For: PROCESS FOR PREPARING 1,4-
DISUBSTITUTED PIPERIDINE COMPOUNDS
Accorded benefit: PCT Application
PCT/CH98/00091, filed 03/06/98

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,001.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script, appearing to read "Michael P. Tierney", written over a horizontal line.

MICHAEL P. TIERNEY
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No.

105,001

Paper No. 20

Name: Max Rey et al.

Serial No.: 09/380,835

Patent No.

Title: PROCESS FOR PREPARING 1,4-DISUBSTITUTED PIPERIDINE COMPOUNDS

Filed: 01/31/00

Interference with: Jackson

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 5-2-03

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



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Applicants: REY
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DISUBSTITUTED PIPERIDINE COMPOUNDS
Accorded benefit: PCT Application
PCT/CH98/00091, filed 03/06/98

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,002.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


MICHAEL P. TIERNEY
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No.

105,002

Paper No. 22

Name: Max Rey et al.

Serial No.: 09/380,835

Patent No.

Title: PROCESS FOR PREPARING 1,4-DISUBSTITUTED PIPERIDINE COMPOUNDS

Filed: 01/31/00

Interference with Jackson

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, adverse Dated, 5.2.03

Court, _____ Dated, _____

REMARKS

Redeclaration adding SN 9/525894

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Michael P. Tierney
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed
July 12, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAX REY and STEFAN GLADOW
Junior Party
(U.S. Patent Application 09/380,835),

v.

ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ,
JORDI BOSCH and MARIA DEL CARMEN ONRUBIA
Senior Party,
(U.S. Patent No. 6,084,100).

MAILED

JUL 12 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,002 (MPT)

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Michael P. Tierney has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **11:15 a.m, September 11, 2002** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	Max Rey, Zurich, Switzerland Stefan Gladow, Buchs, Switzerland
Application:	U.S. Application No. 09/380,835, filed January 31, 2000
Title:	Process for Preparing 1,4-Disubstituted Piperidine Compounds
Assignee:	Cilag AG
Accorded Benefit:	PCT Application PCT/CH98/00091, filed March 6, 1998
Attorneys:	See last page
Address:	See last page

Senior Party

Named inventors: Alberto Stampa, Barcelona, Spain
Pelayo Camps, Barcelona, Spain
Gloria Rodriguez, Girona, Spain
Jordi Bosch, Girona, Spain
Maria Del Carmen Onrubia, Barcelona, Spain

Application: U.S. Patent No. 6,084,100, issued July 4, 2000, based upon U.S.
Application No. 09/058,837, filed April 13, 1998

Title: Process for the Preparation of Loratadine

Assignee: Medichem, S.A.

Accorded Benefit: U.S. Provisional Application 60/048,083, filed May 30, 1997

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

A process according to claim 22 of U.S. Application No. 09/380,835

or

A process according to claim 1 of U.S. Patent No. 6,084,100

The claims of the parties are:

Rey, U.S. Application No. 09/380,835:	22-31
Stampa, U.S. Patent No. 6,084,100:	1-13

The claims of the parties which correspond to Count 1 are:

Rey, U.S. Application No. 09/380,835:	22-31
Stampa, U.S. Patent No. 6,084,100:	1-13

The claims of the parties which **do not** correspond to Count 1 are:

Rey, U.S. Application No. 09/380,835:	None
Stampa, U.S. Patent No. 6,084,100:	None

The following heading shall be used on papers filed in the interference. See § 18 of the
STANDING ORDER.

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

Patent Interference No. 105,002 (MPT)

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- i. § 7: date for identifying lead and backup counsel.
- ii. § 8: date for identifying any real party in interest.
- iii. § 9: date for requesting copies of involved and benefit applications and patents.
- iv. § 17: date for filing list of proposed preliminary motions.
- v. § 19: date for accomplishing certain discovery.
- vi. § 20: date for filing clean copy of claims.
- vii. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
- viii. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ix. § 33: date for objecting to admissibility of evidence.
- x. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- xi. § 35: dates when cross-examination can take place.
- xii. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference No. 105,002


A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


MICHAEL P. TIERNEY
Administrative Patent Judge

Date: 7-12-02
Arlington, VA

Enc:²

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of Stampa, U.S. Patent No. 6,084,100

Copy of claims 22-31 of Rey, U.S. Application No. 09/380,835

²No Rule 690(b) or Form PTO-850 is enclosed.

cc (via Federal Express):

Counsel for REY:

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Garden City, N.Y. 11530